

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

Debtor(s) Darryl Bernard Sheppard

Case No: 6:17-bk-03351

[# AMENDED (if applicable)] CHAPTER 13 PLAN

CHECK ONE:

_____ Debtor¹ certifies that the Plan does not deviate from the model plan adopted by the Court at the time of the filing of this case. Any nonconforming provisions are deemed stricken.

 X The Plan contains provisions that are specific to this Plan in paragraph 9, Nonconforming Provisions. Any nonconforming provision not set forth in paragraph 9 is deemed stricken.

1. **MONTHLY PLAN PAYMENTS.** Plan payments include the Trustee's fee of 10% and shall begin 30 days from petition filing/conversion date. Debtor shall make payments to the Trustee for the period of 36 months. If the Trustee does not retain the full 10%, any portion not retained will be disbursed to allowed claims receiving payment under the plan and may cause an increased distribution to the unsecured class of creditors:

- (A) \$ 6800 for months 1 through 36
(B) \$ _____ for months _____ through _____
(C) \$ _____ for months _____ through _____

To pay the following creditors:

2. **ADMINISTRATIVE ATTORNEY'S FEES.**

Base Fee \$7000 Total Paid Prepetition \$1190 Balance Due \$5810

Estimated Additional Fees Subject to Court Approval \$ _____

Attorney's Fees Payable through Plan \$ 161.39 Monthly (subject to adjustment)

¹ All references to "Debtor" include and refer to both of the debtors in a case filed jointly by two individuals.

3. **PRIORITY CLAIMS (as defined in 11 U.S.C. § 507).**

Last 4 Digits of Acct No.	Creditor	Total Claim
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4. **TRUSTEE FEES.** Trustee shall receive a fee from each payment received, the percentage of which is fixed periodically by the United States Trustee.

5. **SECURED CLAIMS.** Pre-confirmation payments allocated to secured creditors under the Plan, other than amounts allocated to cure arrearages, shall be deemed adequate protection payments.

(A) **Claims Secured by Real Property Which Debtor Intends to Retain/ Mortgage Payments and Arrears, if any, Paid through the Plan.** If the Plan provides for curing prepetition arrearages on a mortgage, Debtor will pay, in addition to all other sums due under the proposed Plan, all regular monthly postpetition mortgage payments to the Trustee as part of the Plan. These mortgage payments, which may be adjusted up or down as provided for under the loan documents, are due beginning the first due date after the case is filed and continuing each month thereafter. The Trustee shall pay the postpetition mortgage payments on the following mortgage claims:

Last 4 Digits of Acct No.	Creditor	Collateral Address	Reg. Mo. Pmt.	Gap Pmt.	Arrears
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(B) **Claims Secured by Real Property/Debtor Intends to Seek Mortgage Modification.** Pending the resolution of a mortgage modification request, Debtor shall make the following adequate protection payments to the Trustee, calculated at the lesser of 31% of Debtor's gross monthly income from all sources listed on Schedule I, minus homeowner association fees or the normal monthly contractual mortgage payment:

Last 4 Digits of Acct. No.	Creditor	Collateral Address	Pmt. Amt. (at 31% or Contract Amt.)
0982	Ocwen Financial	420 Perkins St, Tallahassee, FL 32301	\$923 (contractual)

(C) Claims Secured by Real Property or Personal Property to Which Section 506 Valuation APPLIES. Under 11 U.S.C. § 1322(b)(2), this provision does not apply to a claim secured solely by Debtor's principal residence. A separate motion to determine secured status or to value the collateral must be filed. The secured portion of the claim, estimated below, shall be paid:

Last 4 Digits of Acct No.	Creditor	Collateral Desc./Address	Claim Amt. Value	Pmt. Interest @ ___%
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(D) Claims Secured by Real Property and/or Personal Property to Which Section 506 Valuation DOES NOT APPLY. Claims of the following secured creditors shall be paid in full with interest at the rate set forth below as follows:

Last 4 Digits of Acct No.	Creditor	Collateral Desc./Address	Claim Amt.	Pmt.	Interest @ ___%
7524	Steward Financial	Mercedes	\$26,834	\$513	5.5%

(E) Claims Secured by Personal Property – Maintaining Regular Payments and Curing Arrearages, if any, with All Payments in Plan.

Last 4 Digits of Acct No.	Creditor	Collateral Description	Regular Payment	Arrearages
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(F) Secured Claims/Lease Claims Paid Direct by Debtor. The following secured claims/lease claims are being made via automatic debit/draft from Debtor's depository account and are to continue to be paid direct to the creditor or lessor by Debtor outside the Plan via automatic debit/draft. The automatic stay is terminated *in rem* as to Debtor and *in rem* and *in personam* as to any codebtor as to these creditors and lessors upon the filing of this Plan. Nothing herein is intended to terminate or abrogate Debtor's state law contract rights. (Note: The Plan must provide for the assumption of lease claims that Debtor proposes to pay direct in the Lease/Executory Contract Section 6 below.)

Last 4 Digits of Acct No.	Creditor	Property/Collateral
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(G) Liens to be Avoided per 11 U.S.C. § 522/Stripped Off per 11 U.S.C. § 506. A separate motion to avoid a lien under § 522 or to determine secured status and to strip a lien under § 506 must be filed.

Last 4 Digits of Acct No.	Creditor	Collateral Description/Address
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(H) Surrender of Collateral/Leased Property. Debtor will surrender the following collateral/leased property. The automatic stay is terminated *in rem* as to Debtor and *in rem* and *in personam* as to any codebtor as to these creditors and lessors upon the filing of this Plan. (Note: The Plan must provide for the rejection of lease claims in the Lease/Executory Contract section below.)

Last 4 Digits of Acct No.	Creditor	Property/Collateral to be Surrendered
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(I) Other Secured Claims. Debtor does not intend to make payments to the following secured creditors. The automatic stay is terminated *in rem* as to Debtor and *in rem* and *in personam* as to any codebtor with respect to these creditors. Debtor's state law contract rights and defenses are neither terminated nor abrogated.

6. LEASES/EXECUTORY CONTRACTS.

Last 4 Digits of Acct No.	Creditor	Property	Assume/Reject-Surrender	Est. Arrears
N/A	Lufti Investment Co LLC	500 N Orange Blossom	ASSUME	\$50,000
N/A	Pizuti Sevens Holding LLC	777 N Orange Ave # 820	ASSUME	\$ 7,200

7. **GENERAL UNSECURED CREDITORS.** General unsecured creditors with allowed claims shall receive a *pro rata* share of the balance of any funds remaining after payments to the above referenced creditors or shall otherwise be paid under a subsequent Order Confirming Plan. The estimated dividend to unsecured creditors shall be no less than \$ 101,383.00 _____.

8. **ADDITIONAL PROVISIONS:**

- (A) Unless otherwise ordered, secured creditors, whether or not dealt with under the Plan, shall retain the liens securing such claims:
- (B) Payments made to any creditor shall be based upon the amount set forth in the creditor's proof of claim or other amount as allowed by an Order of the Bankruptcy Court.
- (C) Property of the estate (check one)*

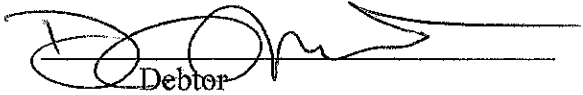
(1) _____ shall not vest in Debtor until the earlier of Debtor's discharge or dismissal of this case, unless the Court orders otherwise; or

(2) _____ shall vest in Debtor upon confirmation of the Plan.

*If Debtor fails to check (1) or (2) above, or if Debtor checks both (1) and (2), property of the estate shall not vest in Debtor until the earlier of Debtor's discharge or dismissal of this case, unless the Court orders otherwise.

- (D) The amounts listed for claims in this Plan are based upon Debtor's best estimate and belief and/or the proofs of claim as filed and allowed. The Trustee shall only pay creditors with filed and allowed proof of claims. An allowed proof of claim will control, unless the Court orders otherwise.
- (E) The Debtor may attach a summary or spreadsheet to provide an estimate of anticipated distributions. The actual distributions may vary. If the summary or spreadsheet conflicts with this Plan, the provisions of the Plan control prior to confirmation, after which time the Order Confirming Plan shall control.
- (F) Debtor shall timely file all tax returns and make all tax payments and deposits when due. (However, if Debtor is not required to file tax returns, Debtor shall provide Trustee with a statement to that effect.) For each tax return that becomes due after the case is filed, Debtor shall provide a complete copy of the tax return, including business returns if Debtor owns a business, together with all related W-2s and Form 1099s, to the Trustee within 14 days of filing the return. Unless otherwise ordered by the Court, Debtor shall turn over to the Trustee all tax refunds in addition to regular Plan payments. Debtor shall not instruct the Internal Revenue Service or other taxing agency to apply a refund to the following year's tax liability. **Debtor shall spend no tax refunds without prior court approval.**

9. **NONCONFORMING PROVISIONS:** \$50 monthly monitoring fee will be paid to the Debtor's Attorney post confirmation


Debtor

Dated: 6-23-17

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

In Re:

Chapter: 13

Case No. 6:17-bk-03351

Darryl Bernard Sheppard

Debtor (s).

CERTIFICATE OF SERVICE FOR CHAPTER 13 PLAN

COMES NOW, the undersigned counsel hereby certifies that copies of the Chapter 13 Plan have been furnished by regular U.S. Mail or electronically via ECF to Laurie K Weatherford, PO Box 3450, Winter Park, FL 32790; United States Trustee, George C Young Federal Building, 400 West Washington Street, Suite 1100, Orlando, FL 32801, Debtor Darryl Bernard Sheppard, 777 N Orange ave, Apt 820, Orlando, FL 32801; and to all parties on the attached creditor matrix, this 23rd of June, 2017.

By: /s/ Wayne B. Spivak
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Label Matrix for local noticing
113A-6
Case 6:17-bk-03351-KSJ
Middle District of Florida
Orlando
Fri Jun 23 16:14:31 EDT 2017

Darryl Bernard Sheppard
777 N Orange Ave
Apt 820
Orlando, FL 32801-1190

Steward Financial Services
444 East Kings Highway
Maple Shade, NJ 08052-3427

ACS/Aelma
Claims Dept/Bankruptcy
Po Box 7051
Utica, NY 13504-7051

Aes/ Edsouth
Attn: Bankruptcy
Po Box 2461
Harrisburg, PA 17105-2461

Afni
Po Box 3427
Bloomington, IL 61702-3427

Aldous
4659 S 2300 E Ste 104
Holladay, UT 84117-4553

American Financial Man
8755 W Higgins Rd Ste 61
Chicago, IL 60631-2751

Ben Iceman
200 East New England Ave
Ste 300
Winter Park, FL 32789-4345

Caine & Weiner
Attn: Bankruptcy
21210 Erwin St
Woodland Hills, CA 91367-3714

Credit Protection Assoc
Po Box 802068
Dallas, TX 75380-2068

Ecmc
Capital One Retail Svcs/Attn: Bankruptcy
Po Box 30258
Salt Lake City, UT 84130-0258

Edfinancial Svcs/Bank Of NY
Attn: Claims Department
Po Box 36014
Knoxville, TN 37930-6014

Edfinancial/ctsfc
120 N Seven Oaks Drive
Knoxville, TN 37922-2359

Edfinancial/esa
120 N Seven Oaks Drive
Knoxville, TN 37922-2359

Edfinancial/nelnet
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Knoxville, TN 37922-2359

Florida Department of Education, Office of S
PO Box 7019, Tallahassee, FL 32314-7019

Florida Department of Revenue
Bankruptcy Unit
Post Office Box 6668
Tallahassee FL 32314-6668

Fox Collection Center
Po Box 528
Goodlettsville, TN 37070-0528

Internal Revenue Service
Post Office Box 7346
Philadelphia PA 19101-7346

Kenneth Lowenhaupt
7765 SW 87th Ave
Ste 201
Miami, FL 33173-2586

Navient Solutions, LLC on behalf of USA Fund
Attn: Bankruptcy Litigation Unit E3149
PO Box 9430
Wilkes Barre, PA 18773-9430

Nicholas Financial Inc
2454 McMullen-Booth Rd
Bldg C
Clearwater, FL 33759-1353

Off Of Stu Fin Assista
Florida Department of Education
Po Box 7019
Tallahassee, FL 32314-7019

Orange County Tax Collector
PO Box 545100
Orlando FL 32854-5100

Oxygen Recovery Group
1 Hillcrest Ctr
Spring Valley, NY 10977-3745

Pizzuti Sevens Holding LLC
Pizzuti Park Lake LLC
629 N High Street
Ste 500
Columbus, OH 43215-2025

Reliant Capital Group
4686 E Ontario Mills Pkw
Ontario, CA 91764-5104

Said Lufti
Mngr of Lufti Investment Co
720 South Orange Blossom Trl
Orlando, FL 32805-3144

Sallie Mae
Attn: Navient
Po Box 9500
Wilkes-Barr, PA 18773-9500

Steward Financial Svcs
499 Old Kings Highway
Maple Shade, NJ 08052

SunTrust Bank
Attn: Support Services
P.O. Box 85092
Richmond, VA 23286-0001

Thl
560 S. Herlong Ave
Rock Hill, SC 29732-9360

Trident Asset Management
Attn: Bankruptcy
Po Box 888424
Atlanta, GA 30356-0424

Us Dept Ed
Ecmc/Bankruptcy
Po Box 16408
St Paul, MN 55116-0408

Us Dept Of Ed/Great Lakes Higher Educati
Attn: Bankruptcy
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Madison, WI 53704-3121

Us Dept Of Ed/glelsi
Po Box 7860
Madison, WI 53707-7860

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Che Group
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Waterloo, IA 50704-0900

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name have an email address on file in CMECF

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(u)Karen S. Jennemann
Orlando

(u)Lufti Investment Company, Inc

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Mailable recipients 43
Bypassed recipients 2
Total 45